

# Waste Reduction Rules



AN OVERVIEW

# The Waste Reduction Task Force



- Created in response to the passage of Public Chapter 462 on July 1, 2007 by the Solid Waste Advisory Committee (SWAC)
- Purpose:
  - Look at all waste reduction methods, goals, and practices to make recommendations to change the State's Waste Reduction Goal
- Response:
  - July 2008 the SWAC made recommendations to the Department and drafting of rule language started.

# Solid Waste Disposal Control Board Action



- Public Chapter 462

*“In order to better address all of these changing circumstances, **the solid waste disposal control board is authorized to adopt a rule** promoting recycling and waste reduction. In so doing, the board shall consider the use of incentives, disincentives, public education, costs and benefits of recycling, and the widely varying circumstances of the different solid waste regions.”*

# Solid Waste Disposal Control Board Action



- Public Chapter 584

*“The recommendations of the advisory committee shall be made available to the public, municipalities, counties, and businesses in the state so that they may be implemented and shall also be considered by **the solid waste disposal control board for incorporation into rules.**”*

# Rule Chapter 1200-01-07.01 Solid Waste Processing and Disposal Amendments



- Update/Move/Add definitions
  - Generation
  - Municipal Solid Waste
  - E-Scrap
  - Local Government
  - Material Derived Fuel
  - Waste to energy Facility/Combustor

1200-01-07-.09

# Waste Disposal Reduction Goal



- The Waste Disposal Reduction Goal is updated and defined in six subparts
  - Waste Reduction Goal
  - Waste Reduction
  - Waste Reduction Plan
  - Accounting
  - Enforcement
  - Reporting

# 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles



- Deleted and Updated
  - Economic Index
  - Requirements for County Public Collection Receptacles

1200-01-07-.09

## (1) Waste Disposal Reduction Goal



- (a) The goal of the state is to reduce annually the amount of solid waste going to Class I, Class III, and Class IV landfills.
- (b) Any generator of Municipal Solid Waste shall reduce annually its waste going to landfills to reach a level of the maximum practicable reduction.
- (c) For the purpose of this rule, the term “covered local governments” shall mean all of the local governments described in parts (1)(b)1 through 4 of this rule and their agencies, boards, and other subdivisions.

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## (1) Waste Disposal Reduction Goal



- (d) All covered local governments shall meet a 20% recycling goal and reduce waste going to landfills annually. They shall accomplish this goal within five (5) years of the effective date of this rule.
- (e) The Department shall complete a survey of the private sector, to be conducted in years ending in zero (0) and five (5), to establish initially a baseline index for waste reduction and recycling activities in the private sector and then to monitor change.

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## (1) Waste Disposal Reduction Goal



- (f) The Department shall review the waste reduction goal every five years and recommend amendments to this rule to provide a challenging, but reasonable, waste reduction goal.
- (g) Covered local governments will implement a four tier infrastructure goal to move their programs towards a fully integrated solid waste management system as defined in **Table 1** of this rule. Upon reaching each tier, the next tier would become the goal for the covered local government to achieve.
- (h) All Class I, III, IV landfills shall submit reports to the Department as required by paragraph (6) of this rule.

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## (2) Waste Reduction



- (a) Landfill Bans. Due to the dynamic nature of solid waste and the fact that the variety and availability of local markets vary, covered local governments will be responsible to implement bans on the following waste stream materials by the targeted date.
- Yard trimmings, metals, corrugated cardboard, elemental mercury, mercury containing devices, and e-scrap – Pass local ordinance by July 1, 2015; implement by 2017
  - Food scraps – Pass local ordinance by July 1, 2020; implement by 2022

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## (2) Waste Reduction



- (b) Class III and IV materials, if recycled or beneficially used.
- (c) Energy recovery and production.
- (d) Composting of “municipal solid waste”.
- (e) Recycling.
- (f) Source reduction of “municipal solid waste”.
- (g) Mulching of “municipal solid waste”.
- (h) The Department shall prepare waste reduction best management practices that covered local governments will implement as needed to attain the statewide waste reduction and local recycling goals.
- (i) New or expanded solid waste facilities-plan to recycle.

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### (3) Waste Reduction Plan



- (a) All covered local governments shall prepare and implement a waste reduction plan.
- (b) A covered local government's waste reduction plan shall be consistent with T.C.A. § 68-211-815, the municipal solid waste planning region's plan, the guidelines issued by the Department, and the State's solid waste reduction plan.
- (c) The county waste reduction plan shall be the aggregate of the county government and all the covered local governments' waste reduction plans within the county.

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### (3) Waste Reduction Plan



- (d) All municipal solid waste planning regions shall submit a waste reduction plan that is an aggregate of all covered local governments' plans within the planning region.
- (e) Waste reduction plans in accordance with T.C.A. §68-211-815 will also contain at a minimum:
  - Specific waste reduction programs current offered;
  - A schedule of waste reduction programs and services to be offered with the implementation dates;
  - Plan for marketing commodities collected for recycling;
  - An assessment of infrastructures needed to implement the plan; and
  - A plan to manage debris during disaster situations that provides for waste reduction and diversion of material from landfills resulting from such disasters.

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## (3) Waste Reduction Plan



- (f) Each municipal solid waste planning region shall submit the aggregated waste reduction plan and an annual progress report to the Department in accordance with paragraph (6) of this rule.
- (g) To implement the new waste reduction goal, the Department shall require an update of all solid waste plans to be completed by June 30, 2015.

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## (3) Waste Reduction Plan



- (h) This waste reduction plan shall be a component of the region's municipal solid waste plan.

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## (4) Accounting



In accordance with T.C.A. § 68-211-874 covered local governments shall use an enterprise fund system of accounting for all solid waste programs, unless at the discretion of the Commissioner, a special revenue fund is allowed. The Commissioner may, at his discretion, allow a Special Revenue Fund system of accounting to be used for a particular solid waste program if he determines that the accounting discloses, at a minimum, all expenditures, all revenues, and the cost per household for solid waste services.

# 1200-01-07-.09

## (5) Enforcement



- (a) Except as provided in subparagraph (b), failure to comply with the applicable requirements of this rule will subject any entity to the penalties provided by T.C.A. §§ 68-211-816 and 68-211-861.
- (b) Covered local governments failing to meet the waste reduction or recycling goal after 2015 shall be reviewed by the Department. A determination will be made as to the course of action required by the covered local government to attain the goal. These may include:
  - Notification, Recommendations, Needs Assessments, Qualitatively Assess, Quarterly Milestones and Reports
  - If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.

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## (6) Reporting

(a) Class I, Class III, and Class IV landfills shall report to the Department, on forms provided by the Department, the origin and tonnage (construction and demolition materials converted from cubic yards at 4 cubic yards per ton) on a quarterly basis within thirty (30) days after the end of the quarter.

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## (6) Reporting



(b) All municipal solid waste planning regions shall submit by March 31st in the calendar year immediately following the reporting year their annual progress report. The covered local government may request in writing prior to the due date an additional thirty (30) days to submit all required information. Additional time may be granted by the Commissioner for good cause shown.

# 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles



- (5) Delete language on economic index for convenience center grant
- (6) Each county which maintains and uses receptacles for the collection of municipal solid waste from the general public at sites separate from a convenience center shall develop a plan for the elimination or conversion to manned convenience centers as defined in paragraph (2) of Rule 1200-01-07-.01 by June 30, 2015 to be implemented by June 30, 2020. The county will include information as part of the municipal solid waste planning region's annual report (which is submitted to the Department) until said collection receptacles are eliminated or converted.

# 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles



Updated requirements are located in sections:

2. The location of all receptacles by street address and geo-code (longitude and latitude);
4. Operation procedures and security measures adopted and enforced to maintain and service the receptacles and to ensure the protection of public health and safety. Such information in required by this part must be in the form of a narrative manual and meet the minimum requirements of subparagraph (b) of this paragraph.

# Next Steps



- Move draft language to public participation
- Collect public comment
- Address all comments
- Return to board with amended draft rule package for promulgation.

# For More Information and Future Updates



**Waste Reduction Task Force Website:**

<http://tennessee.gov/environment/swm/prwr/taskforce.shtml>

Or

<http://tdec.net/swm/prwr/taskforce.shtml>